



12-11-06
EXPRESS MAIL NO. EV 900 477 378 US
Docket No.: A-67178-1/MSS (463035-420)
DPC ZH

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Jay Brian DeDONTNEY *et al.*

Serial No.: 09/905,349

Filed: July 13, 2001

For: GAS DELIVERY METERING TUBE

Examiner: ZERVIGON, Rudy

Art Unit: 1763

Date: December 8, 2006

**PETITION UNDER 37 C.F.R. § 1.137(b) FOR REVIVAL OF AN
UNINTENTIONALLY ABANDONED PATENT**

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

This patent application became abandoned on September 28, 2006 for failure to file a proper reply to the Final Office Action mailed on November 29, 2005.

This Petition is in response to the Final Office Action mailed on November 29, 2005 and the Advisory Action mailed on July 5, 2006 indicating that the proposed amendments mailed on February 28, 2006 were not entered because they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.

Applicant had filed a response to the Final Office Action of November 29, 2006 on February 28, 2006 with an expectation that the application would be allowed. However, due to a law office move and lapses in receiving mail applicant did not receive the Advisory Action and the application became abandoned due to Applicant's failure to timely file a Request for Continued Examination (RCE).

Applicant is Petitioning for Revival so that a RCE with the response that is required for the RCE may be considered. In response to the Advisory Action mailed July 5, 2006, Applicants enclose herewith a Request For Continued Examination (RCE) and fees, and further including a request that the Amendment and Response mailed by Applicant on February 28, 2006 be entered and considered.

This petition is filed within two years of the date on which the patent became abandoned.

The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. §1.137(b) was unintentional. Accordingly, Applicants hereby petition for revival of the above-identified application for patent due to the unintentional abandonment of the application under 37 CFR § 1.137(b).

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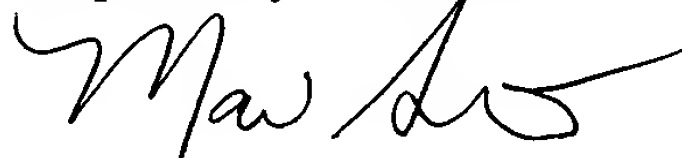
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Enclosed is our check in the amount of \$2,290.00 to pay the fee for filing a petition to revive unintentionally abandoned application (\$1,500.00 – Large Entity – 37 CFR §1.17(m)) and the fee to request a continued examination (\$790.00 – Large Entity – 37 CFR §1.17(e)). The Commissioner is hereby authorized to charge any other additional fees which may be required or credit any overpayment to Deposit Account No. 50-2319 (Order No. A-67178-1/MSS (463035-420)).

Respectfully submitted,



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